RECENT CASES.

ATTORNEY AND CLIENT—WITHDRAWAL OF ATTORNEY PENDING SUIT—LALANCE & GROSJEAN MFG. CO. v. HABEMAN MFG. CO., 93 F. R. 197.—An attorney who in good faith withdraws from a case, believing that the litigation is ended, will not in case of a continuance be enjoined from accepting a retainer from parties having an adverse interest or from disclosing information derived from such client while acting in his professional capacity.

BANKS AND BANKING—APPLICATION OF DEPOSITS—HODGIN v. PEOPLE'S NATIONAL BANK, 32 S. E. (N. C.) 887.—A firm was indebted to a bank, and one of the partners was personally indebted. The latter died and the surviving partner collected the firm's assets and deposited them in the bank. *Held*, that the bank could apply these moneys to the firm's debts and to the personal debt. Furches and Douglas, J. J., dissenting on the ground that the surviving partner alone had the necessary control over the deposits to apply them to the firm debts.

BANKRUPTCY—PREFERENCES—IN RE LITTLE RIVER LUMBER CO., 92 F. R. 585.—A solvent corporation pledged and delivered to some of its stockholders policies of insurance on its property (making policy first payable to such stockholders as their interests may appear) as collateral security for loans made to corporation to enable it to enlarge its business. Policies were renewed at a time when corporation was insolvent and within four months before filing a petition in bankruptcy. Loss occurred before adjudication in bankruptcy, and proceeds of policies paid to such stockholders. *Held*, that same did not constitute a preference, and that such stockholders could not be required to surrender the amount so received, and also that they may prove their claims against the corporation for any balance due them.

CABLE CARS—CARRIERS—PASSENGERS—STANDING ON PLATFORM—N. CHICAGO ST. R. CO. v. BAUR, 53 N. E. (Ill.) 568.—It is not contributory negligence, per se, for passengers to ride on a cable car on rear platform, where others do it without objection, and there is no rule against so doing.

CARRIERS—INJURY IN ALIGHTING FROM TRAIN—NEGLIGENCE—EVIDENCE—AGUHNO v. N. Y., N. H. & H. R. Co. 43, Atl. Rep. 63 (R. I.).—In an action for injuries received in alighting from a train at a station at night, under an allegation that the station was not properly lighted at the time. *Held*, that the court did not err in excluding testimony that it was not lighted at times before and after the injury, for such testimony is not competent.

CARRIERS—INJURY TO PASSENGERS—CONTRIBUTARY NEGLIGENCE—GARVEN v. MACLEOD, 92 F. R. 846.—In going to or leaving a train at a station, passengers were invited to cross an intervening track. *Held*, that the fact that a passenger did not stop to look and listen for an approaching train before crossing such track did not constitute contributary negligence on his part.

DAMAGES—MEASURE OF—DEATH BY WRONGFUL ACT—TEXAS & P. RY. CO. v. WILDER ET AL., 92 F. R. 95.—Statutes of Texas provide that parents may recover full pecuniary compensation for death of a minor child caused by the

negligence of another. *Held*, that the damages were not restricted to the loss of benefits to which the plaintiff had a legal right, but that it was proper for the jury to consider what reasonable expectations the plaintiffs had of pecuniary benefits to be received from the minor after reaching majority.

DIVORCE—ACTION IN FOREIGN JURISDICTION—INJUNCTION—KEMPSON V. KEMPSON, 43 Atl. Rep. 97 (N. J.).—Bill by plaintiff against the defendant to restrain him from prosecuting an action for divorce. *Held*, where a complaint by a wife alleging that her husband, whose residence was in New Jersey, had gone to North Dakota, and after a pretended residence there for a few months, commenced a suit against her for divorce, presents a case so inequitable as justifies a court of equity in the former state restraining its prosecution.

DIVORCE—FOREIGN ACTION FOR ALIMONY AFTER DECREE—ADAMS V. ABBOTT, 56 Pac. Rep. 931 (Wash.).—Action by Josephine Adams, who had obtained a decree of divorce in a foreign state on constructive service, and without personal jurisdiction of defendant, against Howard Abbott for alimony, and to have certain real property adjudged to plaintiff. *Held*, if the divorce is ex parte, a decree for alimony may be subsequently rendered on the wife's application to the courts of her husband's jurisdiction, or those of her own if he can be found there and personally served.

INSOLVENT CORPORATIONS—RIGHT TO PREFER OFFICERS—CAREY V. WADSWORTH ET AL., 25 S. Rep. 503 (Ala.).—A transfer of property by an insolvent corporation to one of its officers in payment of a bona fide debt is valid, although the officer preferred controlled the meeting at which the transfer was authorized.

INTOXICATING LIQUORS—BILL OF LADING—NUISANCE—STATE V. SNYDER, 78 N. W. (Ia.) 807.—A banker sells bills of lading at his bank, thereby enabling the purchasers of such bills to obtain intoxicating liquors at a freight depot. The banker owned neither the bank building nor the liquors. *Held*, that he was guilty of maintaining a nuisance defined as using a building in which intoxicating liquors are sold unlawfully.

INTOXICATING LIQUORS—LICENSE—IN RE WURHOLTZ, 43 Atl. Rep. 75 (Penn.). —Where a party who applies for a license to sell liquors removes from the state, without intent to return, between the granting or awarding of the license by the court and a payment of the license fee; *held*, he is a "party licensed" within the act of April 20, 1858, Sec. 7 (P. L. 366), providing that if a "party licensed" shall die or remove, his license may be transferred by the authorities granting the same, or a license be granted to his successors for the remainder of the year. Sterrett, C. J., and Fell, J., dissenting.

MASTER AND SERVANT—CO-SERVANT—THE MIAMI, 93 F. R. 218.—Mate of vessel, after giving orders to the seamen, proceeds to assist them in carrying same out. Through negligence another seaman was injured. *Held*, that mate was acting in capacity of a co-employe and not as a vice principal, and, therefore, ship was not liable.

MUNICIPALITIES—POWER TO INCREASE INDEBTEDNESS—HOUSTON ET AL. V. CITY OF LANCASTER, 43 Atl. Rep. 83 (Penn.).—Under Const., Art. 9, Sec. 8, providing that the debt of any city shall not exceed 7 per cent. of the assessed

value of the taxable property therein, "nor shall any municipality or district incur any debt, or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property without assent of the electors." *Held*, it does not authorize a city whose debt has not reached the 7 per cent. limit to increase it to that amount by successive additions of 2 per cent. or less; but, after the 2 per cent. has once been added, there can be no further increase by municipal authority alone, though the 7 per cent. limit may not have been reached. Mitchell, J., dissenting.

USURY—COCKRILL v. COCKRILL, 92 F. R. 811.—Where a father-in-law required, as a condition of a loan to his spendthrift son, that the latter should convey to his wife a certain tract of land, such conveyance does not constitute usury.